

UTILITY PATENT APPLICATION TRANSMITTAL

(New Nonprovisional Applications Under 37 CFR § 1.53(b))

Attorney Docket No.

50325-0788

TO THE COMMISSIONER FOR PATENTS:

Transmitted herewith is the patent application of () application identifier or (X) first named inventor, JAGANNATHAN SHIVA SHANKAR, entitled METHOD AND APPARATUS FOR MEASURING HEALTH AND PERFORMANCE OF A MESSAGING SYSTEM, for a(n):

(X) Original Patent Application.

() Continuing Application (prior application not abandoned):

() Continuation () Divisional () Continuation-in-part (CIP)
of prior application No: _____ Filed on: _____

() A statement claiming priority under 35 USC § 120 has been added to the specification.

Enclosed are:

(X) Specification 43 Total Pages (including cover sheet); Drawing(s) 6 Total Sheets(X) Oath or Declaration: 4 Pages

(X) A Newly Executed Combined Declaration and Power of Attorney:

(X) Signed. () Unsigned. () Partially Signed.

() A Copy from a Prior Application for Continuation/Divisional (37 CFR § 1.63(d)).

() Incorporation by Reference. The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied, is considered as being part of the disclosure of the accompanying application and is hereby incorporated herein by reference in its entirety for all purposes.

() Signed Statement Deleting Inventor(s) Named in the Prior Application. (37 CFR § 163(d)(2)).

() Power of Attorney.

(X) Return Receipt Postcard.

() Associate Power of Attorney.

(X) A Check in the amount of \$1,234.00 for the Filing Fee.

() Preliminary Amendment.

() Information Disclosure Statement and Form PTO-1449.

(X) Request and Certification Under 35 U.S.C. 122(b)(2)(B)(i)

() A Certified Copy of Priority Documents (if foreign priority is claimed).

() Applicant(s) is entitled to small entity status. See 37 CFR 1.27.

() Statement(s) of Status as a Small Entity Filed in Prior Application, Status Still Proper and Desired.

(X) Recordation of Assignment Cover Sheet and **executed** Assignment.

() Other: _____

03917 U.S. PTO
10/651590
08/29/03

| CLAIMS AS FILED | | | | |
|---|-----------|-----------|---------|-------------|
| FOR | NO. FILED | NO. EXTRA | RATE | FEE |
| Total Claims | 40 | 20 | \$18.00 | \$ 360.00 |
| Independent Claims | 4 | 1 | \$84.00 | \$ 84.00 |
| Multiple Dependent Claims (if applicable) | | | | \$ 0.00 |
| Assignment Recording Fee | | | | \$ 40.00 |
| Basic Filing Fee | | | | \$ 750.00 |
| Total Filing Fee | | | | \$ 1,234.00 |

Throughout the pendency of this application, please charge any additional fees, including any required extension of time fees, and credit all overpayments to deposit account 50-1302. A duplicate of this sheet is enclosed.

Respectfully submitted,

By: _____

John D. Henkhaus, Reg. No. 42,656

Date: _____

8/29/03

Correspondence Address: _____



29989

PATENT TRADEMARK OFFICE

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| | | |
|--|----------------------|---|
| REQUEST AND CERTIFICATION UNDER 35 U.S.C. 122(b)(2)(B)(i) | First Named Inventor | JAGANNATHAN SHIVA SHANKAR, et al. |
| | Title | METHOD AND APPARATUS FOR MEASURING HEALTH AND PERFORMANCE OF A MESSAGING SYSTEM |
| | Atty. Docket Number | 50325-0788 |

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

8/29/03

John D. Henkhaus
John D. Henkhaus
Reg. No. 42,656

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

Burden Hour Statement: This collection of information is required by 37 CFR 1.213(a). The information is used by the public to request that an application not be published under 35 U.S.C. 122(b) (and the PTO to process that request). Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 8 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Box Patent Applications, Commissioner for Patents, Washington, DC 20231

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